

MILFORD PLANNING BOARD PUBLIC HEARING
May 19, 2015 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Chairman
Janet Langdell, Vice Chair
Paul Amato
Kathy Bauer
Steve Duncanson
Judy Plant
Tim Finan, Alternate member
Susan Robinson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Bill Parker, Community Development Director
David Bosquet, Videographer

Perspective members present:

Veeral Bharucha

MINUTES:

1. Approval of minutes from the 4/21/15 meeting.

NEW APPLICATIONS:

2. **Holder/Harvest Dr – Knight St – Map 39, Lot 66-1.** Request to amend road acceptance terms relating to Knight Street and Harvest Drive Development.
(Misc. application)
3. **Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend development agreement relating to Falcon Ridge Development.
(Misc. application)

OLD BUSINESS:

4. **San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4;** Major subdivision involving multiple lot line adjustments for fifty-two (52) new residential lots, two (2) existing lots and two (2) open space lots; and a waiver request from Article VII, Section 7.02 *Roadway Standards Charts* to allow a public temporary dead-end road longer than the allowed maximum road length.
(Tabled from 4/21/15)

OTHER BUSINESS:

5. **Bruce A Merrill – Merrill Ct and Union St – Map 29, Lot 69;** Extension request for conditionally approved minor subdivision plan.
6. **Salt Creek Properties – South Street;** Conceptual discussion for multiple lot line adjustments and Planning Board consideration of a possible road length waiver.
7. **Proposed CVS/pharmacy – Nashua Street/Clinton Street;** Conceptual discussion for a major site plan to construct a new 13,600 sf CVS/pharmacy with single drive-thru and associated parking, landscaping and utility improvements.

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing. Tim Finan, alternate member was called to sit.

MINUTES:

P. Amato made a motion to approve the minutes from the 4/21/15 meeting. J. Langdell seconded and all in favor.

NEW BUSINESS:

Holder/Harvest Dr – Knight St – Map 39, Lot 66-1. Request to amend road acceptance terms relating to Knight Street and Harvest Drive Development.

Chairman Beer recognized:
Bob Holder, owner

B. Holder requested an amendment for the road acceptance terms, specifically to eliminate the off-site section of sidewalk along Knight St. We've completed nearly everything for acceptance of the road; all it needs is the top coat. The sidewalks on Harvest Dr are in. We will clean out the drainage swales and provide the road maintenance bond for future cleanouts. We will meet all other requirements which include underground utilities and public water and sewer. When the development was approved, it was a booming time for construction in the area and the original terms included the sidewalks on Harvest and Knight St, along with a growth ordinance limiting how building permits were issued; 2007 was certainly a much different time but today, the Town of Milford has ten homes on Harvest Dr each generating \$6,500-\$8,000 a year in real estate tax. We kindly ask the Board to consider the economic challenges of the past seven years and reconsider holding us responsible for the off-site sidewalks on Knight St and the painting and crosswalks along Wall St. He then distributed a photo and stated that he would prefer the first option on the staff memo dated 5/19/15 to get the money back. If the Board will not grant that, then he would leave the \$7,280 for the Town to do the work.

J. Langdell said that a 10% cushion on top of that would bring the amount close to the \$8,000 security being held and we should request the entire \$8,072 be used. That would relinquish you from responsibility to do them prior to winter, and the road can be accepted. K. Bauer read the details from DPW comments and said that we should require the developer to construct the sidewalk, consistent with the approved subdivision plans. J. Langdell said she would prefer to see option #3 and that the staff memo include the construction costs.

K. Bauer said she is a great believer in sidewalks and this would connect two sidewalks, so she is not in favor of this request.

P. Amato said the development looks beautiful and it is a great little pocket neighborhood. He could go either way but would rather have the developer do the work and not call the bond. It gets more complicated if the town gets involved.

T. Finan asked if there would be any impact on DPW's workload, if they were to do the work. M. Bender said we would probably contract the work out. T. Finan said this is not a stand-alone sidewalk, but is connecting to an existing sidewalk.

J. Plant asked what prompted the applicant to request this. B. Holder replied the economics of the subdivision; what was supposed to take three years, took nine for the build-out and values of lots in Milford have fallen 40% since 2007. He was looking to save some money.

S. Duncanson said the contractor should continue the sidewalk. He already has money in a bond and I see no reason to bring extra work on the town. B. Parker clarified that the bond money would be given to the town as part of the road acceptance and kept in a specific account. If the quote turned out to be less, then we would return the extra money back to Mr. Holder.

Chairman Beer opened the discussion to the public; there were no comments.

B. Holder reiterated that he would prefer the town to do the work at \$15-\$16 per linear ft and will agree to put in more money, as long as it goes towards sidewalks. Nine years ago there was no conversation about sidewalks linking anything. The sidewalks on Knight St came in at the last minute and back then, this kind of throw-in did not discourage development of the parcel; today, it would. J. Langdell said from a master plan perspective, sidewalks are important. She referenced the connectivity plan and said it fits in now and did back then. I don't have a preference which way we do this, but I want to make sure the sidewalk and crossing get put in and are maintained.

P. Amato made a motion that the applicant work with staff and DPW to move forward with the sidewalk construction, having the town take on the responsibility of completing the sidewalk. We've got an estimate and we should go with the existing \$8,000 as a high end. After a brief discussion, P. Amato withdrew his original motion.

P. Amato made a motion to deny the applicant's request to delete sidewalks from the off-site improvements. S. Duncanson seconded and all in favor.

P. Amato made a motion to require that the developer contribute a maximum of \$8,000 to be held in a special purpose account for the construction of this sidewalk by the Public Works Department or contracted services, with said contribution being made prior to Town acceptance of Harvest Dr. S. Duncanson seconded. S. Duncanson, J. Plant, J. Langdell, C. Beer, T. Finan, and P. Amato voted in favor. K. Bauer voted in the negative. The motion carried by 6-1.

Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45. Request to amend development agreement relating to Falcon Ridge Development.

J. Plant stepped down and S. Robinson stepped up for this application.

Chairman Beer recognized:
Carl Kasierski, Ashwood Companies

C. Kasierski said they are in process of scheduling the off-site work and the on-site work. At the preconstruction meeting, I asked for some consideration regarding the final paving to only do 1,400 ft instead of the required 3,400 ft in phase I. There are two (2) houses sold to date and occupied, two (2) houses currently under construction and seventeen (17) homes to go. It doesn't make sense to put the top coat on an area with active construction and be destroyed. We are grateful for the previous date extensions and we did increase the bonding as requested. We are scheduled in early June to complete all of the off-site work that's required. We would like to move the remaining 2,000 ft balance of phase I and all of phase II to 10/31/2016.

P. Amato said that makes sense with what's happening there. He is more concerned that the off-site improvements get done.

J. Langdell said we will need to be very clear on our motion and asked what documentation vehicle, other than the minutes of this meeting, will be used. B. Parker stated that the resolution will be revised based on tonight's discussion and will be signed by the chairman of the Planning Board, as has been done up to this point. Discussion pertaining to the staff memo followed.

S. Duncanson inquired what assurances do we have that off-site improvements will be finished by 7/1/15 and that the finished pavement will be done by 10/31/15. C. Kasierski replied that we have bonding in place; the original bond along with increases, as requested. We don't have a problem with the dates; when we do the off-site work in June, we will also do the top coat for phase I and all will be to town specifications. The entire road is already in. We are just looking to push out the top coat for phase II and the additional 2,000 ft from phase I. S. Duncanson asked how far up the 1,400 ft will be in relation to the existing houses on that road. C. Kasierski explained the locations of the existing houses and said it will go up to the first house on the right, the other houses will still be on binder and this will still be an active construction site. It is approximately 2,000 ft to the furthest sold house and there are still eight (8) lots that haven't been constructed yet. The 3,400 ft would be to the end of

the road where phase II commences. S. Duncanson suggested we pave 2,000 ft to all the houses that are already up, as those residents are paying taxes for a finished road. A lengthy discussion on the development and timelines followed. J. Langdell noted that if there's still going to be a lot of construction up there, the construction vehicles will damage the top coat and although there have been prior requests to extend dates, we can put the irons to the fire next year. We're not looking at five years out.

P. Amato gave the applicant a lot of credit for putting the through road in; those roads are very passible and maintained. They've spent a lot of money and most of us would think that those roads are complete. If they pave 1,400 ft, do we have a conflict for where the town plows and turns around? C. Kasierski stated that they were not looking for acceptance of the partial road as it would not be practical or possible to construct a turnaround at 1,400 ft. We will petition for acceptance when the full 3,400 ft is completed because that's how the phasing was set up; the houses would be built, the road finished and there would be a turnaround for the plow trucks. J. Levandowski noted that phase II is 1,600 ft, from the end of phase I to Whiting Hill Rd. P. Amato then asked what the advantage would be to put a top coat on only 1,400 ft with active construction. The logical thing to say is they've got until sometime next year to complete what they intended to do this year and put the next phase out. They would much rather be building houses than building the road, but it's the economy that is affecting the timeline. The developer stepped up and put in all the roads that we asked for, so we're just talking about the timing for the completion of the top coat. S. Duncanson reiterated that there are people in that development paying taxes and we could require construction vehicles to come in from the Wilton side. C. Kasierski added that it's the construction equipment moving across the lots and street, not trucks that they don't want on final pavement. The binder is in excellent condition and we would prefer to wait if possible. P. Amato said that we have not heard of any problems with the developer maintaining the road and none of the residents have made any complaints. J. Langdell added that the quality of that road is much better than some town maintained roads in both Milford and Wilton.

J. Langdell said she had no issue with only the final paving requirement for the phase I on-site improvements being moved to 10/31/16 and the phase II on-site improvements being completed by 10/31/16. P. Amato suggested 2017 for phase II completion. How will they have phase II done if they're still working on phase I? This was the town's first development agreement and they had planned to be done by now. J. Langdell ended a brief discussion by saying that these annual dates force the Board to keep an eye on this project.

Chairman Beer opened the meeting for comments or questions from the public. Seeing none, he closed the public portion of the meeting.

P. Amato made a motion for a third revised resolution, keeping the off-site improvement completion date at 7/1/15 and moving the completion date for final top coat for phase I out to 10/31/16. S. Robinson seconded. K. Bauer, P. Amato, T. Finan, J. Langdell, J. Plant, and C. Beer voted in favor. S. Duncanson voted in the negative. The motion carried by 6-1.

P. Amato made a motion to change the completion date for phase II on-site improvements to no later than 10/31/17. S. Robinson seconded for discussion. S. Duncanson asked if there was a completion date for phase III. B. Parker replied no. P. Amato, T. Finan and S. Robinson voted yes. K. Bauer, J. Langdell, J. Plant, S. Duncanson and C. Beer voted no. The motion failed, by a vote of 4-3.

J. Langdell made a motion that the on-site improvements completion date be revised to 10/31/16. K. Bauer seconded. K. Bauer, T. Finan, J. Langdell, J. Plant, S. Robinson, and C. Beer voted yes. S. Duncanson and P. Amato voted no. The motion carried by a vote of 5-2.

OLD BUSINESS:

San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4; Major subdivision involving multiple lot line adjustments for fifty-two (52) new residential lots, two (2) existing lots and two (2) open space lots; and a waiver request from Article VII, Section 7.02 *Roadway Standards Charts* to allow a public temporary dead-end road longer than the allowed maximum road length.

P. Amato recused himself and S. Robinson stepped up.

Abutters present:

Paul Amato, Mason Rd

Chairman Beer recognized:

Nathan Chamberlin, Fieldstone Land Services, PLLC

Representatives from San-Ken Homes; Ken, Kenny, & Sandy Lehtonen, and Meghan Bangs

N. Chamberlin presented plans dated 5/14/15 and said we have been working diligently to address the Board's concerns; specifically the temporary road length waiver, a development agreement, off-site improvements and the emergency access. The town has been very helpful in creating the development agreement in the short time span we had and that process is ongoing. Draft easements have been submitted for review. The development has been renamed to Autumn Oaks and the spur road is now named Holden Lane. We will add staff comments to the final plan.

We developed a stand-alone emergency access plan and added an addendum for the drainage. We have agreed to provide a temporary hammerhead/turnaround at the end of phase I or station 2200, approximately 3,750 ft from the current terminus of Boynton Hill Rd, which will be removed when we move into phase II. We will then build the final through road down to station 1100 and would transition it to the existing driveway currently servicing lot 45/18, bringing it to the intersection with Mile Slip Rd. We met with Captain Smedick and he requested that we upgrade the 16 ft width to 20 ft, the width of a regular road and there will be some minor drainage improvements. Keep in mind that this is an existing driveway that does not have any drainage problems currently. We determined that if we didn't put any of the phase II drainage in, we would have a slight increase in runoff so we did a stormwater management addendum, constructing infiltration basins 1 and 2 as part of the emergency access in phase I. The DPW director is fine with the plan but asked that the existing 12" culvert be replaced as part of the phase I improvements and changed to RCP pipe with a deeper cover. The emergency access road is simply that, to provide access in case of an emergency. It will be gated and maintained in all weather. We have addressed all the concerns and the whole purpose of the phasing is due to funding.

He reviewed the traffic report again for the Mile Slip and Mason Rd intersection. It was determined that the impact of this project will not change the level of service A and that the sight distance coming out of the project in both directions is adequate; however, it has been brought to light that there are concerns with a lack of sight distance for oncoming traffic when making a left hand turn from Mason Rd onto Mile Slip Rd. That was not included in the traffic study so we met with DPW and the applicant has agreed, as part of the mitigation of their project, to do a design to improve sight distance.

J. Langdell referenced the staff memo addendum dated 5/19/15 that said the town attorney found a considerable number of holes in the draft development agreement and asked where we are in that process. B. Parker replied that the document reviewed by everyone was the initial draft. Attorney Drescher had concerns with some things in the agreement but had not officially reviewed the document before we met with him on Monday afternoon. It was decided that the document would be revised based on tonight's actions and then be reviewed. We wanted to produce something for the applicant so they could see what was intended, but also knowing there would be more to add to it. Whatever is decided tonight will be incorporated into the final development agreement. C. Beer inquired if the ownership issue had been addressed. N. Chamberlin responded that once the applicant has the approvals, they will close on the property and will show the single owner on the development agreement. J. Levandowski noted that there were two different San Ken names referenced on the plan and we will need to be very clear on who the actual owner will be. N. Chamberlin clarified that one entity owns the property and one entity is the developer.

Waiver request:

S. Robinson brought up Attorney Drescher's comments pertaining to the location of the emergency access road. J. Langdell inquired if the location of the through road as proposed in the waiver package is in the location for the final road. N. Chamberlin replied no, we will provide a temporary access easement over the two (2) lots and

keep in mind that none of those lots will be built until the road is punched through. C. Beer said the concern is that you will be utilizing the driveway of an existing house. N. Chamberlin said he doesn't see the concern; it's only for emergency access and the Board has the ability to waive the requirements. J. Langdell said if we go forward with this process and the economy tanks, we could be left with a road with twenty-five (25) houses and an emergency access road that is essentially a gravel road crossing over private land. We don't have two-way access for a twenty-five (25) house development on a road that is almost 4,000 ft long.

J. Levandowski added that there should be an assurance, up front, with approvals that the emergency access portion of the road is going to be roughed in as shown on the plan so the town doesn't get stuck with constructing the most difficult portion of that road because the town would still be responsible to complete the work whether there was sufficient bonding in place or not. J. Langdell asked if the emergency access road can be roughed in to follow the footprint of final planned road. N. Chamberlin said sure, but it defeats the purpose. The intent is to utilize the existing driveway that is already going up there. We met with town departments and don't understand why we have to put in a road any better than what is being proposed. J. Plant said it is the concern that it will become permanent and would be an increased burden for the Town.

Chairman Beer opened the hearing for comments or questions pertaining to the waiver request.

K. Lehtonen suggested that at maybe at 70% of phase I build-out, occupancy permits be held on the final 30% until the phase II road be completed. B. Parker said the idea makes sense and is a good approach; we could take a look at that.

P. Amato inquired about the total length of the road and said some of the details could be worked out with staff and town attorney to get everything into the development agreement. Additionally, the name on this legal document is very important and needs to be very clear on who we are dealing with and who will be responsible. I think we are a ways away from that right now. K. Lehtonen clarified that after the closing, San Ken Homes, Inc. will own all lots and will also be the developer; there will not be multiple names.

Chairman Beer closed the public portion of the meeting.

S. Duncanson brought up Attorney Drescher's comments about unnecessary hardship. N. Chamberlin reiterated that the hardship is getting financing for a road of this scale. We have to build some houses to generate revenue and then can finish the road at that time. S. Duncanson said he didn't see that as an unnecessary hardship and noted that the road will be 4 times the legal limit of our regulations.

J. Langdell said it comes down to what is good planning and what is in the best interest of the community of Milford. She then asked for staff comment. J. Levandowski asked what the added cost would be to rough in the road in the proposed layout, where it is supposed to be, according to the same standards that they would have to upgrade the existing driveway for this access. K. Lehtonen explained that the purpose of utilizing the driveway is to limit the expense of the construction of phase II. Laying it in a different location requires all the infrastructure and the only phasing would be the binder coat. That defeats the purpose of phasing which is to generate some revenue before laying out all the expense. J. Langdell noted that was the developer's purpose of phasing.

C. Beer inquired why they were starting from the north side. N. Chamberlin said because the driveway was already there and either way we've got 1,000 ft of road before we start building houses and the north side is a more natural direction to come in. The south side is also more expensive to construct and to mitigate runoff. J. Langdell said maybe there is a way to stepping-stone the road in phase I so that it becomes financially even enough for the developer to rough in the back end at Mile Slip in its final location, at the same time and do the phases in segments for flexibility with the road at the front end. J. Levandowski said that makes sense but the only issue could be the cistern. S. Duncanson asked if there was a spot at the mid-point to construct a hammerhead. K. Lehtonen described the two temporary turn-arounds and said that goes back to limiting the amount of lots being let go in phase I by a percentage. N. Chamberlin stated that approximately fifteen (15) lots would need to be built to move forward. C. Beer said we still have the situation where if the development doesn't go through and they only get two or three houses built, we are stuck with a road that we wouldn't consider minimum. What is considered reasonable? J. Langdell said that the assurances for the road development should

come from the development agreement. Maybe this should go back to staff, the applicant and the attorneys to work out the details for the concepts discussed tonight. J. Langdell said we've got some broad strokes concepts that could work. N. Chamberlin asked if the Board would be comfortable granting the waiver if the emergency access was in the ROW of the proposed road and further discussion ensued.

Chairman Beer granted the applicant's request for a five minute recess, on a motion from J. Langdell and seconded by J. Plant with all in favor.

N. Chamberlin said it is critical to keep within the construction season and get conditional approval tonight. If we rough in the through road all the way through to base gravel as shown on this plan, with the exception of some of the drainage, that would address all the attorney's concerns. We can work through the details of the development agreement and we will come back for a compliance hearing. The town will not open themselves up to a lot of exposure. J. Langdell noted that she feels like we are being rushed as there are still several unanswered questions with the easements, the open space and parking, the development agreement, the Mile Slip/Mason Rd intersection and all the other pieces.

S. Duncanson made a motion to table the waiver request to the next meeting for staff and the applicant to talk to Bill Drescher regarding the unfinished road. K. Bauer seconded for discussion.

J. Levandowski said it could be a condition of approval to remove existing driveway from the plan. Then they would present all the completed items and final documentation, including the finalized development agreement, at the compliance hearing. Plans would then be ready for signature. Ultimately, they wouldn't get final approval and the final plans would not be signed until all outstanding items have met with the Board's approval. A conditional approval allows the applicant to go ahead with state permitting. B. Parker added that the compliance hearing could be continued until the development agreement is finalized, but we are working with Bill Drescher and based on prior agreements, this should be very complete and cover every base.

J. Langdell inquired if the open space easement on the big parcel will be written similar to the abutting property per Conservation's request and does it include access to the public land? J. Levandowski stated that staff and Attorney Drescher have not yet reviewed them. N. Chamberlin stated that it does include public access and explained both the easements and parking areas.

S. Robinson said the applicant has agreed to put the road in from beginning to end and all the other items can be incorporated into the development agreement.

T. Finan said he didn't see a significant downside to conditional approval, as we do still have recourse.

C. Beer said I think we are close enough, but the concern is that we just got these easements today and nobody has reviewed them. J. Levandowski commented that the Board does not typically review easements.

Chairman Beer called for a vote on the waiver request. K. Bauer and S. Duncanson voted yes. S. Robinson, T. Finan, J. Langdell, J. Plant and C. Beer voted no. The motion failed by a vote of 2-5.

S. Robinson inquired when the through road will be built. J. Langdell said that the layout of the road, on the Mile Slip end will be within the footprint of the way it's designed for its long term use, up front at the start of the process and the details will be included in the development agreement.

J. Langdell made a motion to grant the waiver from Development Regulations, Article VII, Section 7.02 for an extended dead end road length, with the condition that the development agreement provide satisfactory through connection and construction, as per the plan, based on timed issuance of building permits in phase I. J. Plant seconded for discussion. B. Parker explained that there will be a rolling condition between the coordination of building permits and construction of the through road. J. Plant, J. Langdell, T. Finan, S. Robinson, K. Bauer and C. Beer voted yes. S. Duncanson voted no. The motion carried 6-1.

J. Levandowski suggested that the Board include the staff recommendation wording in addition to the 13 items if there were to be a conditional approval and that a separate plan be done showing proposed lot lines be laid over the existing lots instead of combining it on the existing conditions plan. Also, the cost of off-site improvements for the Mason/Mile Slip Rd intersection is a catch 22 situation; DPW can't produce an estimate without engineered plans and we don't have engineered plans. That's where the option for a contribution came in. The applicant has agreed to prepare full design and engineered plans for the off-site improvements rather than contribute an amount of money to a fund where it is uncertain as to when the improvements would actually be constructed. N. Chamberlin offered that the cost for those services would be about 30% of the construction costs, but we don't have a plan to go by. J. Levandowski clarified that there is no fund or estimate for improvements at that intersection, nor do we have a list of priorities relative to roads and intersections from DPW. N. Chamberlin added that with engineered plans, there may be some grant money available to make those improvements.

Chairman Beer opened the hearing for comments or questions from the public on the general application; there being none, the public portion was closed.

J. Langdell made a motion to grant conditional approval based on finalization of all engineering, obtaining of all permits, agreement of off-site contributions and resolution, agreement, and completion of a development agreement, with the added condition that a Compliance hearing be scheduled within sixty (60) days or at the July Planning Board meeting, including the thirteen (#1-#13) recommendations listed on the 5/19/15 staff memo, item #2 on the 5/19/15 staff memo addendum, and a plan be provided relative to the mitigation of this development for full engineering and design for intersection improvements at the Mile Slip/Mason Rd intersection. T. Finan seconded. J. Plant, J. Langdell, T. Finan, S. Robinson, and K. Bauer voted yes. S. Duncanson and C. Beer voted no, both stated that they were uncomfortable granting approval with so many conditions. The motion carried 5-2.

OTHER BUSINESS:

Bruce A Merrill – Merrill Ct and Union St – Map 29, Lot 69; Extension request for conditionally approved minor subdivision plan.

Chairman Beer read the email from Bruce Merrill dated 5/14/15 into the record.

P. Amato made a motion to grant the request for an extension. J. Langdell seconded for discussion. J. Levandowski stated that the applicant is working on obtaining signatures and finalizing the access easement. All voted in favor; the motion carried unanimously.

Salt Creek Properties – South Street; Conceptual discussion for multiple lot line adjustments and Planning Board consideration of a possible road length waiver.

Chairman Beer recognized:
Steve Desmarais, owner
Dawn Tuomala, Monadnock Survey, Inc.

S. Desmarais presented plans dated 4/20/15 and gave a history of the property and zoning changes. The intention is to develop the western portion of the land commercially now and possibly put in detached condos on the Ponemah Hill side in the future. We are designing the road coming off South St and want to keep it 1,500 ft or less in order to keep under the 100,000SF of disturbance for state permitting. Also, the 1,000 ft mark would end underneath the power lines and we wouldn't want to do a turnaround there. Eventually the road will go through from South St to Ponemah Hill Rd. There are roads and easements everywhere out there from the old quarrying days. He went on to explain all the connections including the ROW from the apartments off Powers St. It is only a sewer and water easement, but we have been studying how to put a connection in and according to the town-wide traffic study, it would be good for the town to get a second access for Powers St. The owner and the town would benefit; however, the complicated piece would be that the town might have to accept a portion of road that is part of the apartment complex and it might not be up to town specs. I will continue contacting the owner of 43/22 to coordinate development and possibly get a connection to Ledgewood. I have a number of interested parties and have a lot of land here to start developing, but the reality is that until we build the road, we won't know what will be possible. There are no wetlands so I would only be looking for a waiver from the Board

regarding the road length and the conceptual lot lines could be reconfigured for the final plan because I am building this on spec.

We are also talking with the Water and Sewer Commissioners for different options to connect us to both utilities, especially one that would not require a pump station for sewer which would be expensive for the town to operate. I will put the sewer and water in when the road is built, but most likely will put in septic with the option to connect to sewer at a later time. Bob Courage would ultimately like to have a water loop somewhere on the property.

P. Amato said this provides better access than from Hammond Rd. J. Langdell noted that there would still be additional access to Hammond Rd and asked what types of business are you looking at bringing in? S. Desmarais said there is a tremendous amount of activity and interest in this property and we will be in later this year with plans. J. Langdell said we know those plans will be well designed in terms of all the requirements and preservation of natural features that are important.

There was consensus of the Board that there would be a very good chance of a road length waiver should a formal plan come forward.

S. Desmarais brought up the zoning and said he has a potential high-tech business interested but it will be in the Limited Commercial area. That district is too restrictive for the intent and all you can do is apartments or offices. If it looks like a house on the outside, it shouldn't matter what they do inside. Maybe the Board could consider some changes next year. J. Langdell noted that it is limited because of the location it was originally designed for and maybe the Board will review our definitions for industrial and manufacturing.

No public discussion was permitted.

Proposed CVS/pharmacy – Nashua Street/Clinton Street; Conceptual discussion for a major site plan to construct a new 13,600 sf CVS/pharmacy with single drive-thru and associated parking, landscaping and utility improvements.

Chairman Beer recognized:
Dave Fenstermacher, VHB
Lou Eyster, T.M Crowley & Associates
Scott Catallo, NORR Architects

D. Fenstermacher presented conceptual plans dated 5/5/15 and gave an overview of the four (4) parcels involved. We met with staff and received initial feedback. We are proposing a 13,600SF pharmacy with two (2) access points; a new one on Clinton St and a shared access with County Stores plaza on Nashua St. We're providing seventy-one (71) parking spaces, a drive thru with a stand-alone queuing area and loading and dumpster areas in back, to keep out of any pedestrian conflicts in front. We tried to find a balance between the overlay district zoning and integrating it with the shopping center for connectivity and to give access to Clinton St for the stores. There will be street landscaping, buffer, privacy fence, bio retention areas and landscape islands. There are general concerns with traffic overall in the area so we are looking at providing an additional turn lane on Clinton St. CVS is very willing to cooperate and work with the Town to make some improvements there.

P. Amato asked if they were proposing a traffic light at that intersection. D. Fenstermacher said we did a traffic warrant analysis and one was not warranted. We've been meeting with staff to come up with a plan. J. Langdell inquired what the warrant was based on. D. Fenstermacher replied that there are different criteria; peak traffic for a certain length of time and crash analysis. There are a lot of movements at the Clinton St intersection, but most are right turns. There is a lot of traffic there, but not to the MUTCD standards that warrant a signal. CVS understands the problems there and this is a situation where the applicant is willing to build the signal, the town wants the signal and we're having a hard time proving the need. The state has overall jurisdiction for signal installation and an unwarranted signal could be build, but there would be severe liability associated with that. B. Parker said he didn't know all the criteria, but it is something that we should push forward with, as a town, to whatever degree we can. Putting a signal at Clinton St or wherever it makes sense would help with a lot of the

issues that we have, especially coming down Tonella Rd from Ledgewood. D. Fenstermacher said Bill and I have talked about a lot of individual issues that don't trigger the warrant but that cumulatively add up to the problem. P. Amato said it is a problem all the way to Powers St and it's just common sense that somewhere there needs to be a signal. J. Langdell brought up the Oval Area Improvements Team and said when the South St money first became available, this was the next big piece we wanted to tackle, for safety and there's a long section of Nashua St that needs to be addressed. D. Fenstermacher noted that there may be avenues at the state level for a public/private partnership. B. Parker added that politically is the way to go. We'd have to talk to DOT and explain the longstanding issues there. C. Beer asked staff what town opinion was towards a signal there. B. Parker said there has been resistance to signals in the past, but with the issues at this location there could be enough history and enough support to go through the process. J. Langdell said there is a sense of the Board to support a signal or a better traffic plan to address the issues there. D. Fenstermacher said a corridor access management plan is needed for this area. P. Amato asked if there was a problem with using County Stores to access CVS because the plaza's traffic pattern doesn't take you over to the drug store; you'd have to drive through the parking lot. D. Fenstermacher said we have been working with County Stores on improvements to get rid of some of the conflicts and a brief discussion on access and management solutions for the plaza followed.

D. Fenstermacher said the majority of customers would access from County Stores and the eighteen (18) parking spaces that will be lost are affiliated with County Stores back building. We looked at the parking as a whole and the lost spaces are made up by the extra proposed CVS parking. He asked if the parking layout and single bay parking would be acceptable. J. Langdell said given this location and what is right beside it, it could be amenable.

J. Langdell inquired about the additional projected amount of traffic on Clinton St. D. Fenstermacher said he doesn't have that number with him and will have a presentation by the traffic engineer when we formally submit. Discussion on Clinton St ensued.

S. Duncanson inquired if any of the buildings being torn down had historic value. D. Fenstermacher said he would double check that. J. Langdell referenced a book in the Community Development Office and said the Heritage Commission would also have that information.

P. Amato inquired about the architectural. S. Catallo said the original prototype didn't make it past staff, so we went with a more colonial type building that takes in a little bit of the flavor of town and blends with Milford's architecture. We've done both hardy plank that's been painted or PVC. J. Plant asked if there was an example in the area that we could see. S. Catallo said he would find out. J. Langdell submitted a picture of the Stratham, NH location. The following comments came out of the lengthy discussion:

- Dormers, more windows and pitched roof,
- No flat roof,
- Be cognizant of the plaza next door and future redevelopment,
- The downtown does not have a commercial/industrial feel,
- This site abuts a residential area,
- Repetitive elements like peaks and trim to break up the long side,
- Incorporate some of the older homes styles along Nashua St,
- Use of granite on the building or incorporated into the landscaping.

C. Beer brought up the signage. D. Fenstermacher said they haven't gotten to that yet but the location and type will be contingent upon the town ordinances; we've done them with and without message boards.

D. Fenstermacher said we are hoping to get on the June agenda and wanted to focus on the layout, the circulation and the architecture. We are also going before the ZBA because the open space on the remaining non-conforming lot will become less conforming once subdivided. The hours of operation will be 7am to 10pm and this location will not have a clinic. J. Langdell stated that this is an allowed use in the Commercial District.

J. Levandowski asked the Board for input on the parking. P. Amato said he would like to see how they've landscaped the detention basin as a green space in front. J. Langdell brought up the last pharmacy site plan and

said this plan has some context, so she is not against it going up front. D. Fenstermacher said we have a 60 ft width with almost 60% of that as a landscape buffer that can be enhanced. C. Beer said this design is a good compromise for the layout based on the location and between having all the parking up front or the building up against the road where it wouldn't be appropriate.

The meeting was adjourned at 10:22 p.m. on a motion made by S. Duncanson and seconded by P. Amato. All were in favor.

MINUTES OF THE MAY 19, 2015 PLANNING BOARD MEETING WERE APPROVED ON JUNE 16, 2015.

Motion to approve: P. Amato

Seconded by: J. Langdell